REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application. Claims 1-7 and 9 are currently pending in this application. No new matter has been added by way of the present amendment. For instance, new claim 9 merely recites a preferred embodiment of previously presented claim 1. Accordingly, no new matter has been added.

In view of the amendments and remarks herein, Applicants respectfully request that the Examiner withdraw all outstanding rejections and allow the currently pending claims. The Examiner is advised that a three-month suspension of action was requested concurrently with the filing of this Amendment.

Substance of the Interview

Applicants thank the Examiner for the time, helpfulness and courtesies extended to Applicants' representative during the Interview of September 10, 2008. The assistance of the Examiner in advancing prosecution of the present application is greatly appreciated.

In compliance with M.P.E.P. § 713.04, Applicants submit the following remarks.

The Interview Summary form issued on September 15, 2008, amply summarizes the discussions at the Interview. The outstanding rejection of the claims as being unpatentable over Hosokawa (EP 0 889 063) in view of Shimomura et al. (U.S. 4,959,060) was discussed. Applicants reaffirmed their previous position that the prior art of record fails to teach or suggest every aspect of the present invention. Various ways of addressing the prior art rejection were discussed, and suggestions were discussed that may be drafted to cover particular aspects of the invention as not described by the prior art.

Issues Under 35 U.S.C. § 103(a)

The Examiner maintains the rejection of claims 1-7 under 35 U.S.C. §103(a) as obvious over Hosokawa (EP 0 889 063) (hereinafter Hosokawa '063) in view of Shimomura et al. (U.S. 4,959,060) (hereinafter Shimomura '060) "for the rationale recited in paragraph 6 of Office action dated on October 3, 2007". Applicants respectfully traverse.

Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Moreover, there must be a reason why one of ordinary skill in the art would modify the reference or combine reference teachings to obtain the invention. A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l Co. v Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007). There must be a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *Id.* The Supreme Court of the United States has recently held that the "teaching, suggestion, motivation test" is a valid test for obviousness, albeit one which cannot be too rigidly applied. *Id.* Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Id.*

At pages 3-4 of the outstanding Office Action, the Examiner asserts that Shimomura '060 teaches the step of "drying the wet absorbent polymer" in the several examples of the method (Examples 3-5), for the purpose of incorporating compound (A) in the body fluid-absorbent

member. However, Applicants respectfully submit that the Examiner's rejection appears to be based on a misunderstanding of the prior art of record.

Shimomura '060 discloses, as part of the description of method (3) (see column 4, lines 51-59) for the incorporation of compound (A): "the compound (A) to be contained in layers in the absorbent member by spraying a solution or dispersion of the compound (A) on the absorbent polymer then drying the wet absorbent polymer". According to Example 1 of Shimomura '060, an aqueous 20 % sodium thiosulfate solution (reducing agent) is added to an absorbent polymer (Trademark: "AQUALIC CA") which has already been dried as a product. At no point does Shimomura '060 teach or suggest adding the reducing agent to a polymer when the polymer is in a water-containing gelated state, as presently claimed. Instead, the compound (A) in Shimomura '060 is added to the absorbent polymer **once dried** (emphasis added).

Moreover, Applicants submit that Shimomura '060 does not teach or suggest the addition of an oxidizing agent to a polymerized water-containing gelated product, as presently claimed (see new claim 9).

Clearly, the prior art of record, alone or in combination, fails to teach or suggest each and every limitation of the present invention. For this reason alone, this rejection is improper and should be withdrawn.

Additionally, Applicants submit that the unexpected and superior results obtained by the present invention rebut any *prima facie* case of obviousness allegedly established by the Examiner (see, e.g., Declaration Under 37 C.F.R. 1.132 filed on February 4, 2008, which shows that the present invention achieves unexpected and superior results over the closest prior art).

Because the invention, as set forth in Applicants' claims, is not disclosed or made obvious by the cited prior art, reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and objections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gerald M. Murphy, Jr., Reg. No. 28,977 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated:

OCT - 2 2008

Respectfully submitted,

By

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